THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.17467 of 2007

Dated: 20-08-2007

Between:
Busireddy Raja Narayana Reddy

.... PETITIONER

AND

The District Election Authority-cum-District Collector,
Kadapa.

.... RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.17467 of 2007

ORDER:

Petitioner was elected as Sarpanch of Rampadu Village of Kasinayana Mandal, Kadapa District in August, 2006. The Respondent No.13 herein challenged the election before the Election Tribunal-cum-Junior Civil Judge, Badvel, being E.O.P. No.3 of 2006. The matter was coming up for enquiry. The petitioner filed I.A. No. 295 of 2007 under Section 151 of the Code of Civil Procedure, 1908 (hereinafter referred to as 'the Code') and Rule 16 of the A.P Panchayat Raj (Election Tribunals in respect of Gram Panchayats, Mandal Parishads and Zilla Parishads) Rules, 1995 (hereinafter referred to as 'the Rules') to dismiss the application for non-compliance of the provisions of law. The Election Tribunal dismissed the application, aggrieved by which, this writ petition is filed.

The learned counsel for the petitioner submits that as required under Rule 3 of the Rules, an Election Petition has to be presented within 30 days from the date of declaration of the result and that the Election Petition was presented beyond 30 days. It is also her contention that Rule 6 was not complied by serving a copy of the petition and by affixing it on the Notice Board of the Court or the Tribunal.

A perusal of the impugned order dated 12.7.2007 in I.A. No. 295 of 2007, would belie any such contention raised by the learned counsel for the petitioner. As a question of fact, it was found that both the requirements were complied with. The finding does not warrant any interference. Further, as held by a Division Bench of this Court in **Kummari Ramulu vs. Gangaram Penta Reddy**[1], the Election Tribunal cannot exercise all powers under the Code, except those powers conferred on the Election Tribunal under Rule 7 of the Rules.

The writ petition is dismissed. No costs.

(V.V.S. RAO,J)

20th August, 2007

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[1] 2004(3) ALT 788 (DB)